**Telefónica response to Access’ report on mobile tracking headers**

*Business & Human Rights Resource Centre invited Telefonica to respond to Access' report "*[*The Rise of Mobile Tracking Headers: How Telcos Around the World Are Threatening Your Privacy*](https://www.accessnow.org/page/-/AIBT-Report.pdf)*".*

*Telefónica sent the following response (responses by other companies* [*are available here*](http://business-humanrights.org/en/am-i-being-tracked-access-report-raises-privacy-concerns-with-cellphone-tracking-headers)*).*

September 10, 2015

Thank you for giving us the opportunity to respond to the Access Report. Please find our response to the Report about the use of tracking headers by telecoms firms, including Telefonica of España, and their potential infringement of users’ privacy.

At Telefónica our commitment to privacy is one of the priorities and major concerns for improving digital confidence of anyone connected with us. For this reason, we are guided by principles stated in a Global Privacy Policy that go beyond mere compliance with the law, to better preserve the privacy of those whose personal data we manage.

As a Digital Telco, at Telefónica we try to deliver what our customers desires, innovating and launching new products and services which always ensure the confidentiality of the communications entrusted to us. For that reason, Telefónica, in order to provide its customers with the best user experience, uses several technical mechanisms to make mobile communications more efficient and more reliable.

Therefore, Telefónica of España does not use header enrichment tools unless customer identification is technically required, for the provision of the subscribed services.

Moreover, the Spanish legal system, guarantees the freedom of expression, secrecy of communication, honor, personal and family privacy of its citizens so that Spanish companies are not allowed by law to use data without their customers’ consent. The Spanish legislation, by means of the Spanish Constitution and specifically through the Data Protection Law “limit[s]  the use of information, to guarantee personal and family honor, the privacy of citizens, and the full exercise of their rights.

Likewise, in relation to the prevention, investigation, detection and prosecution of criminal offences, the Spanish legal framework, also prevents telecommunications operators from transferring or sharing any of its customers’ data with government authorities without a judicial authorization.

As digital technologies continue to transform society, we want to make life better, for all. One example of our commitment to this is our support for the Data Transparency Lab (DTL). DTL is a community-based effort to reveal the flow and usage of personal online data, and to explore ways towards a transparent and respectful data trade in the future. See also

<http://www.datatransparencylab.org/>